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June 20, 2024

Hon. Robert W. Lehrburger
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Presidio, Inc., et al. v. Driven Acquisition, Inc., d/b/a Driven Technologies, et al.,*
Civil Case No. 23-cv-6235 (S.D.N.Y.)

Dear Judge Lehrburger:

As the Court is aware, this office represents the Defendants in the above action. I write in response to Plaintiffs' counsel's most recent letter requesting yet another conference with the Court. Defendants join in Plaintiffs request because we have our own discovery concerns to address in addition to addressing the assertions made by Plaintiffs.

Despite this Court having ordered Plaintiffs to produce the witnesses for whom we have noticed depositions, we have not yet secured a single deposition for a single witness for whom we have noticed depositions. Nor have we been able to obtain any dates from Plaintiffs' counsel for any of the noticed depositions. This belies Plaintiffs' assertion to the Court that they have "continued working diligently to move discovery forward in this dispute."

Since the last discovery conference, this office produced a substantial number of documents – nearly 3,000 pages – to Plaintiffs on April 25, 2024. Specifically, we produced *original* emails, not PDFs or scans, including their attachments, which we believe necessarily contain all the metadata Plaintiffs seek. After our production, Plaintiffs lamented that there were allegedly some documents and information missing, including some metadata. Nevertheless, we believe we have turned over all the responsive documents, including metadata, that Defendants possess or control.

In spite of this, in an effort to ascertain whether any responsive documents were missing from our April 25, 2024 production, this office reached out to our clients asking them to re-send the documents they had originally sent. We are currently engaged in a review of the documents in order to determine what, if anything, is missing. This is a time-consuming process, as was explained to counsel in an email dated June 6, 2024 from Jean Smyth to Meghan Stuer, which was attached as an exhibit to Plaintiffs' most recent letter to the Court. We are making every reasonable effort to comply with our discovery obligations.

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Our review of the documents sent to us by our clients is ongoing and is not yet complete. In the event our search reveals additional responsive documents that are not privileged, we will promptly produce them to Plaintiffs. In addition, we are working with our clients to get “hit counts” for the Driven email accounts of Rudy Casasola and Vinu Thomas. Our clients inform us that this process will take at least another week, perhaps more. As soon as it is complete, we will produce the results to Plaintiffs as well.

With respect to Plaintiffs’ continued failure to schedule even one of the noticed depositions, we are once again in the unfortunate position of needing to request judicial intervention. Accordingly, we join in Plaintiffs’ application for a discovery conference with the Court.

Respectfully submitted,

/s/ Andrew J. Campanelli
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AJC:js

Encl.

CC: All parties of record via ECF